HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :27369 of 2007

Dated 20th December, 2007

Between

Karnala Gopi

…Petitioner

and

The Government of Andhra Pradesh,
Social Welfare Department, Secretariat,
Hyderabad, rep. By its Secretary, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27369 of 2007

ORDER:

In this Writ Petition, the petitioner has questioned the order of the collector & District Magistrate, Adilabad District, dated 16-2-2007 in proceedings Rc.No.B7/89/2002, by which, the caste certificate issued to the petitioner earlier on 9-2-2001 by the Mandal Revenue Officer in Proceedings Rc.No.A2/204/2001 was cancelled in exercise of powers under Section 5 of the Andhra Pradesh (SC,ST & BCs) Regulation of Issue of Community Certificates Act, 1993

The order of the Collector & District Magistrate, Adilabad District, dated 16-2-2007 is not clear as to when it was notified as contemplated under Rule 5(c) of the Andhra Pradesh SC,ST and BCs

Issue of Community, Nativity and Date of Birth Certificates Rules, 1997.

However, as against the order of cancellation of caste certificate passed by the Collector & District Magistrate, a substantive remedy of appeal is provided under Section 7(2) of the Andhra Pradesh (SC,ST & BCs) Regulation of Issue of Community Certificates Act, 1993. In view of availability of effective alternative remedy, there is no special reason to entertain this Writ Petition by-passing such remedy. In that view of the matter, I dispose of the Writ Petition permitting the petitioner to prefer appeal against the order of the District Collector & District Magistrate, Adilabad District, dated 16-2-2007 in Proceedings Rc.No.B7/89/2002 within a period of six weeks from the date of receipt of this order. If such appeal is filed within the time granted above, the first respondent-appellate authority shall consider the same on merits, without raising any objection with regard to limitation and pass appropriate orders. It is open to the petitioner to move an appropriate application along with the appeal for grant of interim order.

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 20-12-2007
Note: CC in two days
(Bo) Msnr.